

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

HATIM NAJI FARIZ

Case No. 8:03-CR-77-T-30TBM

This motion/petition/stipulation has been duly
considered and is hereby granted
this 8 day of Oct., 2023.

UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE PRETRIAL MOTIONS

JAMES S. MOODY, JR.
U.S. DISTRICT JUDGE

Defendant, HATIM NAJI FARIZ, by and through undersigned counsel, and pursuant to Federal Rules of Criminal Procedure 12(b)(3) and 45(b)(1)(B), respectfully requests that this Honorable Court permit the filing of (1) Mr. Fariz's Motion to Quash Section (b) of Paragraph 26 of the Indictment for Failure to State a Legal Basis for Relief and (2) Mr. Fariz's Motion to Dismiss Counts Three and Four of the Indictment and Memorandum of Law in Support. As grounds in support, Mr. Fariz states:

1. Mr. Fariz, along with seven other co-defendants, has been charged in a 50-count, 121-page indictment. The allegations against Mr. Fariz charge him with conspiracy to commit racketeering, in violation of 18 U.S.C. § 1962; conspiracy to murder, maim, or injure persons at places outside the United States, in violation of 18 U.S.C. § 956; conspiracy to provide material support and resources to a designated foreign terrorist organization, in violation of 18 U.S.C. § 2339B; conspiracy to make and receive contributions of funds, goods, or services, to or for the benefit of specially designated terrorists, in violation of 50 U.S.C. § 1701 *et seq.*, 31 C.F.R. § 595 *et seq.*, and 18 U.S.C. § 371; and nine counts of travel in interstate or foreign commerce or use of the mail or any facility in interstate or foreign

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commerce with intent to commit crimes of violence or to promote and carry on specified unlawful activity, in violation of 18 U.S.C. § 1952.

2. Pretrial motions to dismiss and for a bill of particulars were due in this case on September 5, 2003. On September 5, 2003, Mr. Fariz filed nine motions and/or pleadings: (1) Motion to Dismiss Count One of the Indictment; (2) Motion to Strike as Surplusage Paragraphs 43(236), (240), (247) and (253) of the Indictment, and to Dismiss Counts 35, 37, 41, and 43 of the Indictment; (3) Motion to Dismiss Count 44 of the Indictment; (4) Motion to Adopt (Defendant Ballut's Motion to Dismiss); (5) Proposed Jury Questionnaire; (6) Motion for Bill of Particulars; (7) Motion for Grand Jury Transcripts; (8) Motion to Strike Surplusage, and (9) Motion to Exceed Page Limit.

3. The allegations in the indictment raise complicated legal questions, including significant constitutional issues. Counsel have diligently undertaken the task of filing pretrial motions. Counsel have engaged in extensive legal research, including the review of relevant case law, statutes, regulations, and law review articles concerning the numerous legal issues arising from the indictment in this case. Counsel have worked to draft pretrial motions in this case, while also attending to numerous other cases and work-related demands, by the deadline.

4. Despite the best efforts of counsel, additional time has been necessary in order to complete Mr. Fariz's Motion to Quash Section (b) of Paragraph 26 of the Indictment for Failure to State a Legal Basis for Relief and Mr. Fariz's Motion to Dismiss Counts Three and

Four of the Indictment, in light of the complex constitutional and legal issues involved in these motions.

5. On September 12, 2003, this Court granted Defendant Sameeh Hammoudeh an additional thirty days, through October 14, 2003, in which to file pretrial motions. Doc. 267. The government has been given 45 days from the date of the Court's Order in which to file its responses to all of the defendants' motions. *Id.*

6. This Court may grant an extension of time for "excusable neglect" on a party's motion submitted after the deadline. Fed. R. Crim. P. 45(b)(1)(B). Mr. Fariz respectfully submits that the foregoing sets forth excusable neglect for the requested extension.

7. The undersigned counsel has contacted Assistant United States Attorney Terry Zitek who indicated that the government is not opposed to this motion to permit the filing of the above-referenced motions.

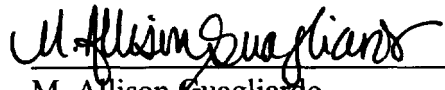
MEMORANDUM

Federal Rule of Criminal Procedure 45(b)(1)(B) provides that when an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion made after the time expires if the party failed to act because of excusable neglect. It is respectfully suggested that the above constitutes excusable neglect and therefore this Honorable Court has the discretion to extend the time for filing the above-referenced pretrial motions.

WHEREFORE, Defendant, Hatim Naji Fariz, respectfully requests that this Court permit the filing of Mr. Fariz's Motion to Quash Paragraph 26(b) of the Indictment and Motion to Dismiss Counts Three and Four of the Indictment.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

A handwritten signature in black ink, appearing to read "M. Allison Guagliardo", is written over a horizontal line.

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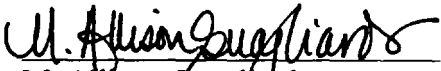
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of October, 2003, a correct copy of the foregoing has been furnished by hand delivery to Terry Zitek, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602 and to the following by U.S. Mail:

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M. Allison Guagliardo
Assistant Federal Public Defender

F I L E C O P Y

Date Printed: 10/08/2003

Notice sent to:

— Walter E. Furr, Esq.
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8:03-cr-00077 jlh

— Daniel W. Eckhart, Esq.
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